

# **ANNUAL REPORT**

**FISCAL YEAR 2005-2006**

## **CAREER SERVICE REVIEW BOARD**

### **STATE OF UTAH**



#### **BOARD MEMBERS**

BLAKE S. ATKIN  
Chair

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**CAREER SERVICE REVIEW BOARD**

**STATE OF UTAH**

**ANNUAL REPORT**

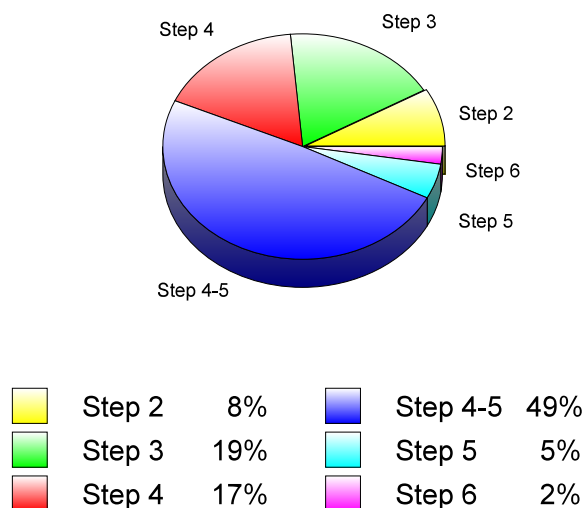
**FISCAL YEAR 2005-2006**

**LEVELS AT WHICH GRIEVANCE CASES  
WERE RESOLVED DURING FISCAL YEAR 2005-2006**

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 2 Immediate Supervisor	7	7
Step 3 Agency/Division Director	15	15
Step 4 Department Head	14	14
Mediation Forum (Between Steps 4 & 5)	41	40
*Step 5 Evidentiary Hearing	4	4
Step 6 Appellate Review by Board	2	2
<b>TOTALS:</b>	<b>83</b>	<b>82</b>

\*In addition to the four cases resolved at Step 5 during Fiscal Year 2005-2006, CSRB hearing officers held six additional hearings that are not reflected in this chart. These additional hearings are not reflected in this chart because the decisions were either issued after June 30, 2006, resolved at Step 6 or still on appeal to Step 6. These hearings however, are reflected in the chart found at page 11.

**LEVELS OF RESOLUTION BY PERCENT**



**NUMBER OF APPEALS FROM DISCIPLINARY  
PENALTIES AND LEVELS OF RESOLUTION  
DURING FISCAL YEAR 2005-2006**

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 2	1
Step 3	5
Step 4	2
Mediation Forum (Between Steps 4 & 5)	19
**Step 5	2
Step 6	2
<b>TOTAL:</b>	<b>31</b>



**\*Note:** There are only four disciplinary actions designated by statute: written reprimand, suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

**\*\*** All six of the additional Step 5 evidentiary hearings held during Fiscal Year 2005-2006, were related to disciplinary matters. The Department's disciplinary decisions were upheld in five of these six additional hearings. Moreover, all but one of these Step 5 evidentiary hearings were appealed to Step 6 of the State's Grievance and Appeal Procedures.

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS  
DURING FISCAL YEAR 2005-2006**

LEVEL	ACTION	NUMBER	DETERMINATION					
			AFFIRMED	MODIFIED	RESCINDED			
Step 2	Reprimand	0	0	0	0			
	Suspension	1	1	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 3	Reprimand	1	1	0	0			
	Suspension	4	1	1	2			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 4	Reprimand	0	0	0	0			
	Suspension	2	1	1	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Mediation/Jurisdiction Forum	Reprimand	1	1	0	0			
	Suspension	5	1	4	0			
	Demotion	3	1	2	0			
	Dismissal	10	5	5	0			
Step 5	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	1	1	0	0			
	Dismissal	1	1	0	0			
Step 6	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	2	1	1	0			
TOTAL DISCIPLINARY APPEALS:		31	=	15	+	14	+	2

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES  
DURING FISCAL YEAR 2005-2006**

ISSUES	OCCURRENCES
Salary .....	23
Dismissal .....	13
Suspension .....	12
Performance Appraisals .....	6
Administrative Actions .....	5
Classification .....	5
Corrective Action .....	5
Demotion .....	4
Promotion .....	4
Written Warning .....	4

ISSUES	OCCURRENCES
Personnel Rule Violation .....	2
Written Reprimand .....	2
Benefits .....	1
Discrimination .....	1
Job Assignment .....	1
Reassignment .....	1
Retaliation .....	1
Unlawful Harassment .....	1
Workload .....	1

**TOTAL ISSUES GRIEVED: ..... 92**

Note: There were 83 grievance cases resolved; however, many cases had multiple issues grieved. Thus, the overall number of grievance issues resolved (92) exceeds the total number of employees' cases (83) that were resolved.

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS  
AND LEVELS OF RESOLUTION  
DURING FISCAL YEAR 2005-2006**

<u>AGRICULTURE</u>	<u>ADMINISTRATIVE SERVICES</u>	<u>COMMERCE</u>
Step 2 - 0	Step 2 - 1	Step 2 - 0
3 - 0	3 - 0	3 - 0
4 - 0	4 - 0	4 - 0
4-5 - 1	4-5 - 3	4-5 - 1
5 - 0	5 - 0	5 - 0
6 - 0	6 - 0	6 - 0
<u>CORRECTIONS</u>	<u>EDUCATION</u>	<u>ENVIRONMENTAL QUALITY</u>
Step 2 - 0	Step 2 - 1	Step 2 - 0
3 - 3	3 - 0	3 - 0
4 - 7	4 - 1	4 - 0
4-5 - 7	4-5 - 1	4-5 - 0
5 - 1	5 - 0	5 - 1
6 - 1	6 - 0	6 - 0
<u>HEALTH</u>	<u>HUMAN RESOURCE MANAGEMENT</u>	<u>HUMAN SERVICES</u>
Step 2 - 1	Step 2 - 0	Step 2 - 2
3 - 3	3 - 0	3 - 5
4 - 0	4 - 1	4 - 3
4-5 - 2	4-5 - 0	4-5 - 4
5 - 0	5 - 0	5 - 0
6 - 0	6 - 0	6 - 0

**LABOR COMMISSION**

Step 2 - 0  
3 - 0  
4 - 0  
4-5 - 1  
5 - 0  
6 - 0

**NATIONAL GUARD**

Step 2 - 0  
3 - 0  
4 - 1  
4-5 - 0  
5 - 0  
6 - 0

**NATURAL RESOURCES**

Step 2 - 1  
3 - 2  
4 - 0  
4-5 - 17  
5 - 0  
6 - 0

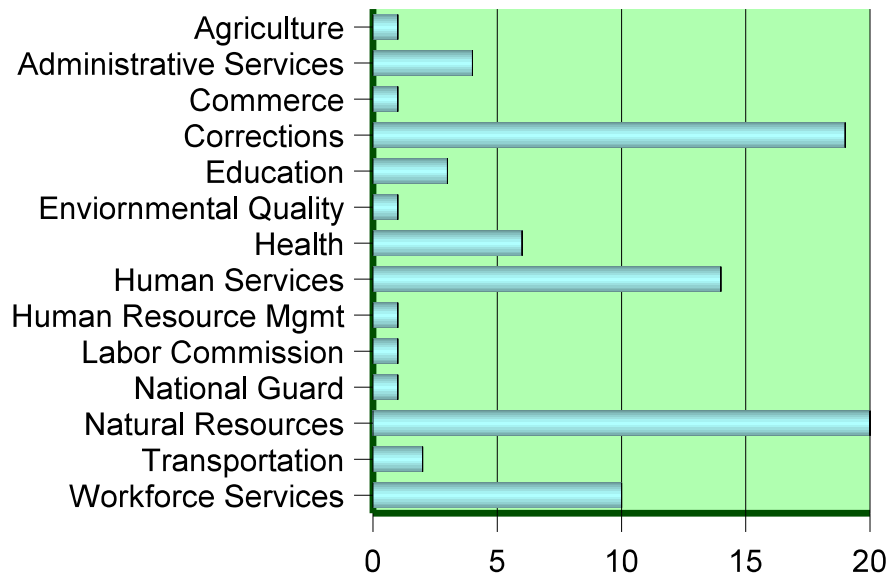
**TRANSPORTATION**

Step 2 - 0  
3 - 1  
4 - 0  
4-5 - 1  
5 - 0  
6 - 0

**WORKFORCE  
SERVICES**

Step 2 - 1  
3 - 2  
4 - 1  
4-5 - 4  
5 - 1  
6 - 1

**GRIEVANCES BY DEPARTMENT**





**GRIEVANCE CASES PER LEVEL RESOLVED  
DURING FISCAL YEAR 2005-2006**

<b>STEP 2</b>		
<b>Immediate Supervisor</b>	<b>Cases: 7</b>	<b>Employees: 7</b>
<u><b>Employees</b></u>	<u><b>Issues</b></u>	<u><b>Department</b></u>
B.C.	Suspension	Human Services
B.C.	Discrimination	Natural Resources
B.T.	Performance Appraisal	Human Services
B.S.	Performance Appraisal	Workforce Services
L.L.	Job Assignment	Education
M.B.	Corrective Action	Administrative Services
N.D.	Administrative Actions	Health
<b>STEP 3</b>		
<b>DIVISION/AGENCY DIRECTOR</b>	<b>CASES: 15</b>	<b>EMPLOYEES: 15</b>
<u><b>Employees</b></u>	<u><b>Issues</b></u>	<u><b>Department</b></u>
A.J.A.	Suspension	Human Services
B.V.C.	1. Salary 2. Workload	Natural Resources
C.R.	Administrative Actions	Corrections
D.C.L.	Suspension	Health
D.A.	Promotion	Transportation
E.P.	1. Corrective Action Plan 2. Suspension	Human Services
E.P.	Performance Appraisal	Human Services
H.J.	Written Warning	Workforce Services

J.L.	Administrative Actions	Corrections
K.J.L.	Suspension	Human Services
N.R.K.	Administrative Actions	Corrections
R.G.	1. Promotion 2. Rules Violation	Health
W.P.	Written Reprimand	Human Services
W.D.E.	Salary (ASI)	Natural Resources
Y.R.	1. Written Warning 2. Harassment 3. Rule Violation	Workforce Services

<b>STEP 4</b>		
<b>DEPARTMENT HEAD</b>	<b>CASES: 14</b>	<b>EMPLOYEES: 14</b>

<b><u>Employees</u></b>	<b><u>Issues</u></b>	<b><u>Department</u></b>
A.A.	Suspension	Human Services
A.W.	Classification	Corrections
B.M.	Classification	Corrections
B.Y.	1. Performance Appraisal 2. Corrective Action	Education
C.D.	Salary	Corrections
C.C.	Classification	Corrections
F.B.	Promotion	Human Services
G.C.	1. Salary 2. Classification	Workforce Services
K.M.	Salary	Corrections
K.J.	Corrective Action	Human Services
M.S.	Reassignment	Corrections

P.D.	Suspension	National Guard
P.L.	Classification	Corrections
T.M.	Benefits	Human Resource Management

**MEDIATION/JURISDICTIONAL FORUM**  
**BETWEEN STEPS 4 AND 5    CASES: 41**

**EMPLOYEES: 39**

<b><u>Employees</u></b>	<b><u>Issues</u></b>	<b><u>Department</u></b>
A.C.	Salary	Natural Resources
B.P.	Suspension	Administrative Services
B.M.	Suspension	Administrative Services
B.M.	Dismissal	Health
C.K.	Salary	Natural Resources
C.R.	Dismissal	Workforce Services
C.K.J.	Dismissal	Workforce Services
C.K.	Salary	Natural Resources
C.D.	Written Reprimand	Corrections
E.D.	Dismissal	Human Services
F.K.	Salary	Natural Resources
F.J.	1. Demotion 2. Performance Appraisal	Agriculture
G.D.	Written Warning	Labor Commission
H.B.L.	Dismissal	Health
H.R.	Salary	Natural Resources
J.K.	Salary	Natural Resources
K.M.	Suspension	Corrections
K.J.	Written Warning	Human Services

L.P.	Dismissal	Transportation
L.R.	Salary	Natural Resources
L.M.	Salary	Natural Resources
L.L.	Demotion	Workforce Services
L.L.	Dismissal	Workforce Services
L.J.	Suspension	Corrections
M.J.	Salary	Natural Resources
M.D.	Dismissal	Human Services
M.T.	Salary	Natural Resources
M.A.	Suspension	Corrections
M.A.	Retaliation	Corrections
O.J.	Salary	Natural Resources
P.M.G.	Promotion	Corrections
P.J.	Dismissal	Administrative Services
R.J.	Salary	Natural Resources
R.C.	Salary	Natural Resources
S.L.	Salary	Natural Resources
S.R.E.	Dismissal	Natural Resources
T.T.	Salary	Corrections
V.G.	Salary	Natural Resources
W.C.	Salary	Natural Resources
W.E.	Demotion	Human Services
W.L.O.	1. Corrective Action 2. Performance Evaluation	Education

<b>STEP 5</b>		
<b>EVIDENTIARY HEARING</b>	<b>CASES: 4</b>	<b>EMPLOYEES: 4</b>

<u><b>Employees</b></u>	<u><b>Issues</b></u>	<u><b>Department</b></u>
Ross Anderson	Dismissal	Environmental Quality
Carolyn Peterson	Demotion	Workforce Services
Tracy Spencer	Salary	Corrections
Amy Steadman	Administrative Actions	Commerce

**Note: In addition to these four cases resolved at Step 5 during Fiscal Year 2005-2006, CSRБ Hearing Officers held hearings in the following six cases. These cases were heard at Step 5, but not resolved during Fiscal Year 2005-2006, because the final decision was either issued after June 30, 2006, resolved at Step 6 or still on appeal to Step 6.**

<u><b>Employee</b></u>	<u><b>Issue</b></u>	<u><b>Department</b></u>	<u><b>Decision Issued</b></u>	<u><b>Status</b></u>
Lorin Blauer	Dismissal	Workforce Services	September 19, 2005	Appealed to Step 6
Dian Castagno	Dismissal	Human Services	February 10, 2006	Appealed to Step 6
Ron Law	Dismissal	Human Services	July 5, 2006	Not Appealed; Decision issued after June 30, 2006
Stanley Fieeiki	Dismissal	Public Safety	April 26, 2006	Appealed to Step 6
William Howard	Dismissal	Corrections	May 11, 2006	Appealed to Step 6
Vivian Kosan	Dismissal	Corrections	March 10, 2006	Appealed to Step 6

<b>STEP 6</b>		
<b>APPELLATE REVIEW/BOARD</b>	<b>CASES: 2</b>	<b>EMPLOYEES: 2</b>

<u><b>Employee</b></u>	<u><b>Issue</b></u>	<u><b>Department/Division</b></u>
Lorin Blauer	Dismissal	Workforce Services
Carl A. Jacobsen	Dismissal	Corrections

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**JURISDICTIONAL HEARINGS AND  
ADMINISTRATIVE REVIEWS OF THE FILE  
CONDUCTED DURING FISCAL YEAR 2005-2006**

**JURISDICTIONAL HEARINGS:**

A jurisdictional hearing is a formal adjudication conducted according to the Utah Administrative Procedures Act. These hearings are held at the request of employees, agency management, or at the initiative of the CSRB administrator. Jurisdictional hearings address the four issues of: timeliness, direct harm, standing and eligibility to advance issues and remedies to the evidentiary/step 5 level, according to *Utah Code*, §67-19a-403(2)(b)(i)(Supp. 2000).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT
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Jeff Peterson/J.H. 146	Involuntary Resignation	Administrative Services
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**ADMINISTRATIVE REVIEWS OF THE FILE:**

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii).

EMPLOYEE/DATE ISSUED	ISSUE	DEPARTMENT/CASE NUMBER
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Parwinder Bhatia August 9, 2005	Subject Matter	Administrative Services – J.H. 152
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James Wyatt Frampton June 28, 2006	Subject Matter	Agriculture and Food – J.H. 156
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Donald L. George January 13, 2006	Subject Matter	Labor Commission – J.H. 153
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Jeff Kindall May 4, 2006	Subject Matter	Human Services – J.H. 154
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Darryl Owens March 23, 2005	Subject Matter	Administrative Services – J.H. 155
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**JUDICIAL REVIEW BY THE COURTS  
CASES DECIDED DURING FISCAL YEAR 2005-2006**

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**1. *Anderson et al, Grievants v. Utah Department of Human Services, Agency.***  
CSRB Case No. J.H. 128

**Designation in Third Judicial District Court:**

***Joanna J. Anderson et al, Plaintiffs/Petitioners, vs. Robert W. Thompson, Administrator Career Service Review Board, Emma Chacon, Director, Office of Recovery Services, Robin Arnold-Williams, Executive Director, Utah Department of Human Services, and the Career Service Review Board, State of Utah, Defendants/Respondents.***  
Case No. 030928597

**Synopsis:** Grievants appealed to the CSRB the Department's failure to grant them an incentive award. Grievants were denied relief by the Department. The CSRB denied jurisdiction based upon subject matter jurisdiction. Grievants appealed to the District Court.

**Decision:** The parties entered into a negotiated settlement.

**2. *Lorin Blauer, Grievant v. Utah Department of Workforce Services, Agency.***  
CSRB Case No. J.H. 129

**Designation in the Court of Appeals:**

***Lorin Blauer, Plaintiff, Appellant, and Cross-appellee vs. Department of Workforce Service Services, Defendant, Appellee, and Cross-appellant.***  
Case No. 20040848-CA

**Synopsis:** Grievant appealed to the CSRB the Department's decision to require Grievant to perform administrative hearings on a fulltime basis. Grievant alleged the Department's actions constituted a demotion, constructive discharge and constructive suspension. The CSRB denied jurisdiction based upon subject matter jurisdiction. Grievant then appealed to the Third District Court. The District Court ruled that Grievant was not demoted, but remanded other issues back to the CSRB. Grievant then appealed The District Court's demotion decision to the Utah Court of Appeals.

**Decision:** The Court of Appeals upheld the District Court's holding that Grievant was not demoted.

**3. *Dan Leatham, Robert E. Steel, Tim Slocum, Harold W. Johnson and W. Fred Hurst, Grievants v. Utah Department of Corrections, Agency.***  
CSRB Case No. 7 CSRB 65 (Step 5 Case No. 19 CSRB/H.O. 273)

**Designation in the Court of Appeals:**

***Dan Leatham, Robert E. Steele, Tim Slocum, Harold W. Johnson, and W. Fred Hurst, Petitioners, v. Department of corrections and Career Service Review Board, Respondents.***  
Case No. 20040376-CA

**Synopsis:** Grievants appealed to the CSRB the Department's denial of on-call pay. Grievants were denied relief by the Department. The Department was upheld by the CSRB at Step 5 and Step 6.

**Decision:** The Court of Appeals upheld the Board's Step 6 decision.

**4. *John D. Sorge, Grievant and Appellant, v. Utah Office of the Attorney General, Agency and Respondent.***

CSRB Case No. 8 CSRB 72 (Step 5 Case No. 20 CSRB/H.O. 298)

**Designation in the Court of Appeals:**

***John D. Sorge, Petitioner, v. Office of the Attorney General, Respondent.***

Case No. 20041046-CA

**Designation in the Utah Supreme Court:**

***John D. Sorge, Petitioner/Appellant, v. Utah Office of the Attorney General, Utah Career Service Review Board, Respondents/Appellees.***

Case No. 20060163-SC

**Synopsis:** Grievant appealed to the CSRB his dismissal by the Department for violation of personnel rules. The Department was upheld by the CSRB at Step 5 and Step 6.

**Decision:** The Utah Court of Appeals upheld the Board's Step 6 decision. The Utah Supreme Court denied Grievant's Petition for Writ of Certiorari.

**5. *Kevin Yardley, Grievant and Appellant, v. Utah Department of Corrections, Agency and Respondent.***

CSRB Case No. 8 CSRB 77 (Step 5 Case No. 19 CSRB/H.O. 280)

**Designation in the Court of Appeals:**

***Kevin Yardley, Petitioner, v. Utah Department of Corrections, Respondent.***

Case No. 20050055-CA

**Synopsis:** Grievant appealed to the CSRB his dismissal by the Department for violation of numeral personnel rules and policies. The Department was upheld by the CSRB at Step 5 and Step 6.

**Decision:** The Utah Court of Appeals upheld the Board's Step 6 decision.



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**JUDICIAL REVIEW BY THE COURTS  
CASES PENDING DURING FISCAL YEAR 2005-2006**

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1. ***Brent N. Hughes, Grievant, v. Utah Department of Human Services, Agency.***  
CSRB Case No. 8 CSRB 80

**Designation in the Court of Appeals:**

***Utah Department of Human Services, Petitioner/Appellant, vs. Brent N. Hughes and Career Service Review Board, Respondents.*** Case No. 20050610-CA

**Designation in the Utah Supreme Court:**  
Case No. 20050610-SC

2. ***Lorin Blauer, Grievant and Appellant v. Utah Department of Workforce Services, Agency and Respondent.***  
CSRB Case No. 9 CSRB 83

**Designation in the Court of Appeals:**

***Lorin Blauer , Petitioner vs. Utah Department of Workforce Services an agency of the State of Utah, and Utah Career Service Review Board, Respondents.***  
Case No. 20060702-CA

3. ***Darryl Owens v. Utah Department of Workforce Services***  
Case No. J.H. 129 (2003)

**Designation in Third Judicial District Court:**

***Darryl Owens, Plaintiff/Petitioner, vs. Tani Downing, Executive Director of the Utah Department of Workforce Services, Casey Erickson, and Robert W. Thompson as Administrator of the Career Service Review Board, Defendants/Respondents.***  
Civil No. 060911012

# **STATISTICAL SUMMARY OF ACTIVITIES FOR FISCAL YEAR 2005-2006**

## **GENERAL:**

Grievance cases resolved in the CSRB forum: .....	83
Career service employees participating in the grievance process: .....	80
Evidentiary/step 5 hearings conducted: .....	10
Evidentiary/step 5 hearings decisions issued: .....	10
Appellate/step 6 hearings conducted: .....	2
Appellate/step6 decisions issued: .....	2
Jurisdictional hearings conducted/decisions issued: .....	1
Administrative reviews of the file conducted/issued .....	5
Cases resolved, mediated or otherwise settled following an appeal to Step 5: .....	28

## **CSRB BOARD CHAIRPERSON AND BOARD MEMBERS:**

Step 6 decisions issued: .....	2
Orders/Rulings issued: .....	3

## **CSRB ADMINISTRATOR:**

Prehearing/scheduling conferences conducted: .....	21
Prehearing conference summaries/orders issued: .....	21
Other orders issued: .....	41
Conciliation conferences held: .....	7
Jurisdictional decisions issued: .....	6

## **CSRB HEARING OFFICERS/PRESIDING OFFICERS:**

Step 5 hearing decisions issued .....	10
Prehearing conferences and motion conferences held: .....	5
Prehearing conference orders issued: .....	5
Orders Issued by CSRB Hearing Officers .....	29

## **THE COURTS:**

CSRB decisions issued by the Utah Court of Appeals: .....	4
CSRB cases currently pending before the Utah Court of Appeals: .....	2
CSRB decisions issued by Utah District Courts .....	0
CSRB cases currently pending before the Utah District Courts .....	1

**ANNUAL GRIEVANCE CASES COMPARED  
FOR TEN YEAR PERIOD  
FISCAL YEARS 1996-1997 THROUGH 2005-2006**

FISCAL YEAR	TOTAL GRIEVANCES	JURISDICTIONAL DECISIONS	STEP 5 HEARINGS	STEP 6 HEARINGS
96-97	104	4	9	2
97-98	126	5	14	2
98-99	122	2	5	1
99-00	103	3	5	1
00-01	116	6	10	1
01-02	78	5	2	1
02-03	91	9	15	6
03-04	129	12	9	7
04-05	122	15	7	7
05-06	83	6	10	2

## TOTAL GRIEVANCES

1996-1997 THROUGH 2005-2006

